

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
New Part 4 of the Commission's Rules)	ET Docket No. 04-35
Concerning Disruptions to Communications)	
)	
)	

To the Commission:

Reply Comments of Nokia Inc.

Nokia Inc. ("Nokia") respectfully submits these Reply Comments in response to the *Notice of Proposed Rulemaking* released by the Commission in the above referenced proceeding.¹ Nokia is the world's leading supplier of mobile telephones and is a leading supplier of mobile, fixed and Internet Protocol networks and related services as well as multimedia terminals. As a world leader in wireless telecommunications infrastructure equipment, Nokia has a direct interest in this proceeding and is pleased to have this opportunity to provide these reply comments in response to several of the Commission's proposals in the *NPRM* and the initial comments of other parties thereto. Nokia is a member of the Cellular Telecommunications and Internet Association ("CTIA") and we generally support the comments submitted by CTIA. Therefore Nokia limits these reply comments to several issues raised in the comments of Ericsson Inc. and the comments of the Staff of the Kansas Corporation Commission.

¹ In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications, *Notice of Proposed Rulemaking*, ET Docket No. 04-35 (rel. Feb.23, 2004) ("*NPRM*").

I. Only Licensees Should be Required to File Network Outage Reports

In the *NPRM*, the Commission discusses the application of its network outage reporting requirements to non-wireline communications providers and concludes:

The timely provision of outage information by communications providers, their affiliates, and those who maintain or provide communications systems on their behalf, should provide sufficient information to facilitate the prompt discovery of outage and reliability problems that occur within, and across, communications networks.²

The Commission then proposes that vendors who provide or maintain communications systems or services to communications providers (that may or may not be affiliated with the provider) be required “to comply with any disruption reporting requirements that we may adopt to the same extent as would be required of the communications provider if it were directly providing the voice or data communications or maintaining the system.”³

This concept is codified in Section 4.3(b) of the Commission’s proposed rules, where the definition of wireless service provider includes both traditional wireless service providers as well as “affiliated and non-affiliated entities that maintain or provide communications systems or services used by the provider in offering such communications.”⁴

In response to these proposals, the Staff of the Kansas Corporation Commission proposed that the reporting requirements remain with the “certified

² *NPRM* ¶ 18 (emphasis added).

³ *Id.* ¶ 31.

service provider” and noted that the “fact that a service provider may outsource certain services is a contractual matter between the service provider and the respective vendor” but that the “service provider is responsible for providing the service and accountable to its end users.”⁵ Ericsson also proposes that the Commission limit the reporting requirement to licensees, noting that this is consistent with the Commission’s policy of holding licensees responsible for compliance with the Commission’s rules.⁶ Ericsson also notes that such a limitation would create clarity “with respect to the responsibilities between licensees and contractors.”⁷

Nokia agrees with the Staff of the Kansas Corporation Commission and Ericsson that the network outage reporting requirements should be limited to licensees. As a network equipment vendor with the most knowledge about the operation of our own equipment, Nokia will of course cooperate fully with our carrier customers in providing any necessary information regarding an outage caused by our equipment. We agree with Ericsson, however, that limiting the reporting requirement to licensees will likely provide higher quality, more focused information regarding network outages than by requiring reports from both licensees and equipment vendors. In addition, as noted by CTIA, such a requirement “would simply be a waste of resources that would result in double

⁴ Id. at Appendix A. Indeed, the Commission has added this expansive language to the definition of each type of communications provider subject to the network outage reporting requirements.

⁵ Comments of KCC Staff at 4.

⁶ Comments of Ericsson at 3.

⁷ Id. at 4.

the effort needed to comply with the Commission's rules and double the amount of filings being submitted to the FCC.”⁸

II. Licensees Should Identify the Name and Type of Equipment only if the Equipment was a Cause of an Outage

In the Commission’s “Proposed Electronic Filing Template”, entities filing outage reports are required to provide the “Name and Type of Equipment that Failed.”⁹ While the template also requires the reporting entity to describe the root, direct and other cause or causes of an outage, there is no clarification regarding the requirement to provide the name and type of equipment that failed. Nokia shares Ericsson’s concern that this requirement, without clarification, is unreasonable because it “presumes, without basis, that the named equipment was the cause of the disruption.”¹⁰ As noted by Ericsson, there are cases where a network disruption may occur that was not caused by equipment failure but that might cause such equipment to cease operating. Under the current reporting requirements and in the interests of submitting a comprehensive report to absolutely ensure compliance with the requirements, a reporting entity would likely list the name and type of the equipment that ceased operating during the network disruption, reasoning that since the equipment ceased operating, that it could be considered to have “failed.” This would be unfair to manufacturers whose equipment was not a cause of the network disruption. To remedy this anomaly, Nokia urges the Commission to adopt Ericsson’s suggestion to revise the line on the second page of the form set forth at Appendix B from: “Name and

⁸ Comments of CTIA at 13.

⁹ *NPRM* at Appendix B, p.2.

¹⁰ Comments of Ericsson at 6.

Type of Equipment that Failed” to “If Equipment Failure Contributed to the Occurrence of the Outage, List Name and Type of Equipment that Failed.”

Respectfully submitted,

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